

In re Appln. of HARDEE, et al.
Application No. 09/998,603

REMARKS

Reconsideration of the application is respectfully requested. An Office action dated May 17, 2004 is presently pending in the application. Claims 1 and 22 have been amended, and Claims 35-40 have been cancelled in this Amendment. Therefore, Claims 1-27 are pending in the application.

The Rejections of Claim 1

Claim 1 was rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 2,569,627 to Black. Claim 1 was also rejected as being obvious in view of a combination of U.S. Patent No. 4,519,410 to Kubacki in view of *Black*. In essence, in each of these rejections, the Office action has taken the position that the fitted sheet disclosed in *Black* would make obvious the method of Claim 1. These rejections are respectfully traversed.

Claim 1, as amended, is directed to a method of constructing a corner in fabric, including attaching a first sheet of fabric material so as to form a seam in a three-dimensional corner, extending a second sheet of fabric material over an interior portion of the seam, and turning the three-dimensional corner inside out to form an inverted, three-dimensional corner wherein the second sheet of fabric material extends over an exterior portion of the seam. This method is not disclosed or made obvious by *Black* or a combination of *Black* and *Kubacki*.

Black discloses a fitted sheet having an L-shaped reinforcement member 36 that may extend over each of the corners of the fitted sheet. In *Black*, as can clearly be seen in FIG. 10, the reinforcement members 36 are placed over cut-out notches in the sheet. These are then folded together and sewn with stitches 40 that secure the inside edges of the reinforcement member 36 to the cut-out corner edges 41 and 42 of the long flaps 43 and the transverse flaps 44, respectively, to form reinforced corners on the bed sheet 33.

These reinforced corners serve as additional material at the corners of the bed sheet, but the reinforcing members do not extend over the seams for the blank 34. Instead, the reinforcing

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members align with the blank for the bed, and are stitched at or near the same location as the blank. This distinction is an important one, because the method disclosed in FIG. 1 may be used to create a waterproof structure, although not necessarily so, in that the second sheet of material extends over a seam formed by the first sheet of fabric material. Again, as described above, this arrangement is not disclosed or made obvious by *Black*.

Moreover, contrary to the assertion in the Office action, there is no teaching or suggestion in *Black* that the corner would be turned inside-out to form an inverted, three-dimensional corner. There is no need to do so, because the reinforcement member 36 does not extend over a corner, instead it extends up to an edge of the corner, and actually does not extend across the corner until sewn together. The Office action states that "for the corner attachment, the larger piece of material 34 would inherently need to be first positioned inside-out (with the second, smaller piece 36 located interiorly) so that the seam could be stitched and would not be visible during use of the sheet." However, this is not what is taught by the reference, instead, as can clearly be seen in col. 2, lines 39-55, the reinforcement member 36 is sewn to the blank 34 while the blank is in a flat configuration. The blank is then folded, along with the reinforcing sections, and then sewn together along the stitches 40. The folding is in one direction, and at no point is the blank or the reinforcing member inverted. Thus, the Office action's assertion of inherent positioning inside-out is wrong. In fact, the Office action's assertion that the stitch would not be visible during use is proven wrong by the fact that the stitch is clearly visible in FIG. 7.

For at least the foregoing reasons, the rejections of Claim 1 are improper and should be withdrawn.

The Rejections of Claim 22

Claim 22 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over *Black*, discussed above. In addition, Claim 22 was rejected as being unpatentable over *Kubacki* in view of *Black*. These rejections are respectfully traversed.

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At the outset, Applicants would like to comment regarding the use of *Black* in the rejection of Claim 22. Claim 22 is directed to a tent having a tub floor, the tub floor having, *inter alia*, at least two corners. The reference primarily used against Claim 22 is *Black*, which is directed to a fitted sheet. The Office action states that 33 in *Black* could also be called a "tub floor" of a tent. Applicants respectfully disagree. The bed sheet of *Black* is nowhere equivalent to a tub floor for a tent. As is known, bed sheets are typically soft cloths, such as cotton, that extend over and around a mattress. In contrast, a tub floor is a structure that is attached to the bottom of a tent, oriented upside down from a fitted sheet, and used primarily to keep water from permeating the bottom of the tent and to otherwise provide protection against outdoor elements. To more particularly define a floor tub of a tent, Claim 22 has been amended to state that the tub floor is "substantially waterproof," in that it is intended to keep water out. For at least this reason, the rejection of Claim 22 should be withdrawn.

Moreover, as discussed in detail with respect to Claim 1 above, *Black* does not teach inverting of a corner. Such inversion is set forth in Claim 22. For at least this additional reason, the rejections of Claim 22 should be withdrawn.

For the sake of clarity, the independent claims of the application are discussed in this Amendment. Applicants submit that the independent claims are allowable, and therefore the dependent claims are allowable at least because they are dependent upon allowed claims. Nevertheless, Applicants submit that the dependent claims further define subject matter not shown or made obvious by the prior art.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-27 define patentable subject matter, and that the application is in good and proper condition for allowance. Such action is respectfully solicited.

If the foregoing does not result in a Notice of Allowance in the application, Applicants earnestly solicit the Examiner to call the undersigned at 206-521-5984.

Respectfully submitted,



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